

Honolulu, Hawaii

MAR 21 2014

RE: H.B. No. 1993

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1993 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to amend section
709-906, Hawaii Revised Statutes, to establish that the offense of
abuse of a family or household member is a class C felony when the
physical abuse occurs in the presence of any family or household
member who is less than fourteen years of age.

Your Committee received testimony in support of this measure
from the Office of the Prosecuting Attorney, County of Kauai;
Office of the Prosecuting Attorney, County of Hawaii; Department
of the Prosecuting Attorney, City and County of Honolulu; Kauai
Chamber of Commerce; YWCA of Kauai; The Pacific Alliance to Stop
Slavery; Kauai Against Domestic Violence Taskforce; and five
individuals. Your Committee received testimony in opposition to
this measure from the Office of the Public Defender and two
individuals.

Your Committee finds that research has shown that children
who witness domestic violence can suffer severe emotional and
developmental difficulties that are similar to those of children
who are victims of direct physical and mental abuse. According to
the Office of the Prosecuting Attorney of the County of Kauai,
approximately twenty-three states and Puerto Rico have statutes
that address the issue of children who witness domestic violence



in the home, and approximately eighteen of those states have statutes that impose additional penalties on offenders who commit domestic abuse in the presence of a child.

Your Committee further finds that existing law allows the sentencing judge to consider as an aggravating factor that the offense of abuse of a family or household member was committed in the presence of a child, but this factor does not impact the penalty imposed for the commission of the offense. This measure establishes that the offense of abuse of a family or household member is a class C felony when the physical abuse occurs in the presence of a child under fourteen years of age to deter these types of domestic abuse cases.

Your Committee has amended this measure by adding the contents of S.B. No. 2025 (2014), which amend section 709-906(4), Hawaii Revised Statutes, to require a police officer to make reasonable inquiry of the victimized or potentially victimized family member and witnesses, if applicable, and order a person to leave the premises for a no-contact period of forty-eight hours, regardless of whether the police officer has reasonable grounds to believe there was physical abuse or harm inflicted or that there is probable danger of further abuse or harm.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1993, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1993, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

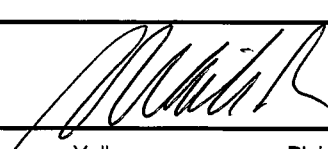


CLAYTON HEE, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

| | | | | |
|---|--|---|-----|---------|
| Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 1993</div> | Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JDL, WAM</div> | Date: <div style="font-size: 1.2em; font-family: cursive;">3/20/14</div> | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div> | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| HEE, Clayton (C) | ✓ | | | |
| SHIMABUKURO, Maile S.L. (VC) | ✓ | | | |
| GABBARD, Mike | ✓ | | | |
| GALUTERIA, Brickwood | ✓ | | | |
| IHARA, Jr., Les | ✓ | | | |
| SOLOMON, Malama | ✓ | | | |
| SLOM, Sam | ✓ | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | 7 | | | |
| Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> | | | | |
| Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center; margin-top: 10px;">  </div> | | | | |
| <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div> | | | | |

***Only one measure per Record of Votes**